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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,449	07/07/2006	Gunther Oskar Eckert	W1.2088 PCT-US	2516

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EXAMINER

CHEN, YUAN L

ART UNIT	PAPER NUMBER
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2854

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10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,449	Applicant(s) ECKERT, GUNTHER OSKAR	
	Examiner Yuan L. Chen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-45 is/are pending in the application.
- 4a) Of the above claim(s) 24-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/7/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I of Claims 22 and 23 in the reply filed on 8/21/2008 is acknowledged.
2. The traversal is on the ground(s) that the Examiner's holding of lack of a single inventive concept under PCT Rule 13.1 is incorrect. This is not found persuasive because the cited D1 reference (Patent No. US 2463769) combined with Patent No. US 6827012 (Fig. 3) establishes a lack of unity *a posteriori* for the independent claim 1 in PCT/EP 05/50011, and the technical features of new independent Claim 22 (rewritten from claim 1 in PCT/EP 05/50011) are not the technical features that define a contribution over prior art (as shown in the following rejection) where Reference 6827012 is not D2 as in the Applicant's Response and the International Search Report.
3. The traversal is also on the ground(s) that there is no an undue burden on the Examiner to examine at least certain of the withdrawn claims. This is not found persuasive because in the instant case, the inventions as claimed each have mutually exclusive features (in bold in the previous Office Action) as evidence by the different limitations recited in the dependent claims. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants (See MPEP § 806.05(j)). Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and

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examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins (US Patent No.: 2463769) in view of Palmatier (Patent No.: US 6827012).

With respect to Claim 22, Higgins discloses in Figs. 1 - 2 and column 2 lines 12 – 19 and lines 27 - 35: a printing press (11) adapted for imprinting a web of material and comprising:

a forme cylinder (10), said forme cylinder being equipped with printing plates of a number of N (6) pages in width, said number N of pages being a natural number divisible by three, said forme cylinder (10) having a forme cylinder width, said number N (6) of pages having a width less than said forme cylinder width, said number N of pages, plus one page having a width greater than said forme cylinder width (as shown in Fig. 2);

at least one longitudinal web cutting device usable to cut (slit) the web of material, having a web width, into partial webs of material (R1 – R6), each of less than said web width;

means for placing said at least one longitudinal web cutting device on a boundary between a K^{TH} (2 or 4) and a K^{TH} plus one (3 or 5) page, wherein K is selected from one third and two thirds of N (6).

Higgins does not teach a former for longitudinal folding.

However, Palmatier teaches in Fig. 3 and column 6 lines 44 - 50: a former (302), at least one of said partial webs (212 or 213) being conducted through said former (302) for longitudinal folding (304) of said at least one of said partial webs (212 or 213), said former (302) having a former entry direction in an area of said at least one longitudinal web cutting device (214 in Fig. 1 or 516 and 515 in Fig. 5 as well as column

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7 lines 23 -25 which teaches selective engageable and axially movable cutting device for any cutting number from 1 to 5), said entry area extending transversely to a web running direction.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Higgins' printing press with the former for longitudinal folding and the cutting device for creating partial web with different widths taught by Palmatier for the purpose of having a more efficient assembly device to increase the variety of the finished product.

This modification/combination meets all the limitations of Claim 22.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Palmatier, and further in view of Herbert et al. (Pub. No.: WO 03/031179 with cited reference numbers in figures and text from equivalent English publication in US 2004/0244615).

With respect to Claim 23, the combination of Higgins and Palmatier teaches (Figs. 1 and 5 as well as column 7 lines 23 -25 of Palmatier): different widths of partial web are created such as a 2/3 cut as the middle roll in 250 wherein the width of a partial web is two thirds of width of the whole web and less than the width of the whole web.

The combination does not teach the relationship between the effective former width and the forme cylinder width.

However, Herbert et al. teach: the width of forme cylinder (L16) corresponds to a maximally possible web width of a whole web 03 (in Figs. 3 and 5 as well as [0059] lines

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1 – 5) and a former width b101 is the same as a partial web width b03a (in Fig. 15 and [105] lines 1 -3), and there are advantages to have former embodied to have only a partial web width ([0021] lines 10 – 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the combination of Higgins and Palmatier's printing press wherein the width of a partial web is two thirds of width of the whole web and less than the width of the whole web with the width of forme cylinder corresponds to a maximally possible width of a whole web and a former width is the same as a partial web width as taught by Herbert et al., because with this modification/combination former has an effective former width at least as great as two thirds of said forme cylinder width, and less than said forme cylinder width. This modification/combination makes the assembly devices which only assigned to partial webs are embodied to have only a partial web width for the purpose of having a lower oscillation and better matching conveyance of the web.

This modification/combination meets all the limitations of Claim 23.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuan L. Chen whose telephone number is 571-270-3799. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

yc

/Ren L Yan/
Primary Examiner, Art Unit 2854